IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2820 OF 2006

B.C.C. Shipping & Ship Building Ltd., & Anr. ..Applicants.

Versus

M/s.Margo Engineering Pvt. Ltd., & Anr. ..Respondents.

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Ms.Supriya B. Vaychal, Adv. for the Applicants.
Mrs.A.S.Pai, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.
DATED : DECEMBER 07, 2007.

P.C.:

1. Heard the learned Advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned JMFC, Court-III, at Thane in Complaint No.1945/2002. In the said case process is issued under Section 138 of N.I.Act.

3. For the reasons recorded in the the case of **V.K.Jain and others Vs. Pratap V. Padode, reported in 2005(3) Mh.L.J.778,** which has been upheld by the Hon'ble Apex Court, I am of the opinion that the applicants have an efficacious

remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within six weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of six weeks from today.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court after hearing necessary parties shall dispose of the matter on merits.

6. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)